IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.1586 of 2002**

DATE OF DECISION: February 14, 2007

MOH. SARDAR KHAN ...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: NONE FOR THE PETITIONER.
MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. DEEPAK JINDAL, AAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner is aggrieved by the order (Annexure P-7) dated 7.9.2001, whereby his claim of earned leave/leave encashment for the summer vacations from the period 1992, 1993,1996, 1997 and 1998 was rejected. The petitioner retired as Headmaster from Government High School, Singhal-Heri, District Gurgaon oln 28.2.1999. The petitioner has claimed earned leave for the summer vacations for the following period:-

Despatch No.	*Dated*	
1. 78/92	*16.5.92)*	
2. 33/93	*18.5.93)*	*G.H.S. Bisru*
3. 92/96	*18.5.96)*	
4. 388/97	*25.5.97)*	
5. 867/98	*16.5.98)*	*G.H.S. Singhal Heri.*

The petitioner has relied on Rules 8.117 (b) of Chapter VIII of the Punjab Civil Service Rules which is reproduced as under:-

> "*(b) The earned leave admissible to such Government Employee in respect of any year in which he is prevented from availing himself of the full vacation is such proportion of the following periods as the number of days of vacation not taken bears to the full vacation:-*
>
> *(i) to a Government employee with 10 years service or less; 15 days.*
>
> *(ii) to a Government employee with more than ten years service but not exceeding 20 years service. 20 days*
>
> *(iii) to a Government employee with over 20 years service 30 days.*
>
> *If any year he does not avail himself of the vacation, earned leave will be admissible"*

The petitioner claims that he had worked for 194 days in the summer vacations during the years 1992, 1993, 1996, 1997 and 1998 whereas, he has not been paid for the said period.

Reply has been filed wherein it has been averred that the petitioner had worked for 94 days for which he has already been granted leave encashment. For the rest of the period, the school clerk performed the official duty and therefore, the petitioner is not entitled to leave encashment. This fact is also clear from the a perusal of Annexure P-7.

In view of the above, as the petitioner has been granted leave encashment for the period having worked during the summer vacations, therefore, the petitioner is not entitled to any further leave encashment.

No merit. Dismissed.

February 14, 2007 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**